

IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION

TRACEY WHITE, et al.,	)	
	)	
Plaintiffs,	)	
	)	
vs.	)	Cause No. 14-cv-01490-HEA
	)	
THOMAS JACKSON, et al.,	)	
	)	
Defendants.	)	

DEPOSITION OF MICHAEL McCANN

Taken on behalf of the Plaintiffs

October 1, 2015

Reported by: Christine A. LePage, CCR #1000

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1 Q Okay?

2 A Yes, sir.

3 Q And that happened on August 11th of 2014. Do  
4 you recall that?

5 A Yes, I do.

6 Q Okay. Can you tell me what you recall about  
7 Mr. Burns and his arrest?

8 A Mr. Burns' arrest was at the intersection of  
9 Highmont and West Florissant.

10 Q Okay. And what caused you to be at that  
11 location?

12 A I was assigned to an arrest team assigned to  
13 St. Louis City Metropolitan Police Department, I was  
14 assigned as their arrest team.

15 Q So you say St. Louis City, that's different than  
16 St. Louis County?

17 A Yes, sir.

18 Q How so?

19 A Geographical boundaries.

20 Q Okay. So that's like St. Louis City proper,  
21 St. Louis City police?

22 A Yes.

23 Q Okay. And then the County is what Sergeant Ryan  
24 just explained that covers the boundaries of the county?

25 A Yes, sir.

1 rocks.

2 Q Okay. But I'm asking you, how do you pick him  
3 out? Was there --

4 A I was --

5 Q Let me finish the question. Was there something  
6 significant about his appearance?

7 A He had a rock in his hand.

8 Q Anything else?

9 A No, sir.

10 Q Okay. Well, do you know what he looks like?

11 A He was the gentleman with the rock in his hand.

12 Q I understand that. But what I'm asking for is a  
13 physical description.

14 A No, I don't even -- At this time, no, I couldn't  
15 describe him to you.

16 Q Okay. So this gentleman you saw with a rock in  
17 his hand, did you consider him a threat?

18 A Yes, sir.

19 Q All right. And so did you have a notebook?

20 A Did I have a notebook?

21 Q Yes.

22 A I don't know, sir, I don't --

23 Q You don't carry a notebook?

24 A I do.

25 Q Okay. And a notebook is for writing down

1 information, right?

2 A When it's safe, yes, sir.

3 Q Well, yeah, when it's safe to write it down.

4 And it would have been safe after that person was taken  
5 into custody and you write down what it is that was the  
6 probable cause for the arrest, right?

7 A If I was making -- if I was preparing the arrest  
8 report, yes, sir.

9 Q Weren't you?

10 A I did not prepare the arrest report.

11 Q Who did?

12 A I do not know.

13 Q Now, Officer McCoy had said that you prepared  
14 the arrest report for Mr. -- that you were the person that  
15 was going to prepare the arrest report for Mr. Burns and  
16 that's why he didn't do it. Is that not consistent -- Is  
17 that inconsistent with your recollection?

18 MR. HUGHES: I object, I think you're misstating  
19 his testimony, I don't recall him saying that, but -- so  
20 it assumes facts not in evidence. But he can answer what  
21 he did or did not do, what he remembers.

22 MR. LATTIMER: Mr. Hughes, trust me, I don't  
23 make mistakes. Trust me.

24 MR. HUGHES: Yes, you do. Trust me, you've made  
25 mistakes.

1 arrest and that you applied the zip ties; is that correct?

2 A I did apply zip ties, yes, sir.

3 Q Okay. The other part is -- you see where it  
4 says Officer McCann placed Mr. Burns under arrest, do you  
5 see that?

6 A Where are we looking at, sir?

7 Q 4 of 8.

8 A Yes, sir.

9 Q Last paragraph.

10 A I do see that, Officer McCann placed Mr. Burns  
11 under arrest.

12 Q You do see that?

13 A Yes, sir.

14 Q Is that accurate?

15 A That would be accurate, sir.

16 Q Okay. So you both arrested him and applied the  
17 zip ties?

18 A Along with the other officers, yes, sir. It was  
19 not a single officer. He threw the rocks, or he threw a  
20 rock, we are an arrest team, so we go to one individual,  
21 we try to remain in pairs, if not two to four people for  
22 the officer's safety, so --

23 Q Now, I think you told me you don't remember his  
24 physical description at all; is that right?

25 A No, I don't, sir. I mean, I remember he was a

1           A     That's what I would say, yes. Is it date  
2 stamped or time stamped?

3           Q     No, you guys didn't give me any date stamp or  
4 time stamp, I don't know why you didn't, but you didn't.  
5 Blame it on your people, not me, I had nothing to do with  
6 it, I'm working with what I got.

7           A     Got you. I've never seen this whole video,  
8 so --

9           Q     Okay. And at this point now you all are headed  
10 up Ferguson Avenue or Street, I don't know what it is.  
11 Now, did you follow? Did you go with them?

12          A     Yes, sir.

13          Q     So you had left the McDonald's at that point  
14 when you all started up Ferguson, right?

15          A     Well, I'd have to leave McDonald's and head up  
16 Ferguson, yes, sir.

17          Q     I'm saying but when -- You didn't stay behind?

18          A     No, sir, I moved along with the skirmish line.

19          Q     And the skirmish line here is moving up?

20          A     This is our skirmish line, (indicating).

21          Q     That's the, I think -- Didn't Ryan tell me that  
22 was the Ferguson Market, it's next door?

23          A     It says it right there.

24          Q     Right. So --

25          A     That was already looted I think from the night



1 before, as you can see the people are putting up --  
2 because they know --

3 Q Okay. And so --

4 A They believe things are going to happen again,  
5 because things happen at night.

6 Q Right. And so, but, again, nothing's happening  
7 at this point?

8 A Not at this point, no, sir.

9 Q That you can identify, right?

10 A That is correct.

11 Q And I think at that point -- at that point what  
12 you all were doing was clearing out and then moving up and  
13 then you all had blocked off West Florissant; is that  
14 right?

15 A Yes, we had blocked off West Florissant.

16 Q Okay.

17 A We were clearing the area because each night  
18 there was unrest, every time it got dark people would  
19 gather and start looting or rioting or attacking police or  
20 attacking their fellow citizens in the area.

21 Q All right. And so you were pushing the people  
22 up Ferguson Boulevard or Avenue, whatever, towards  
23 Sharondale, correct?

24 A That would be correct, sir.

25 Q And, in fact, Ms. White and her son had been